

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Kenneth Carbone et al.	Art Unit :	2631
Serial No. :	09/582,297	Examiner :	Unknown
Filed :	June 3, 2002	Conf. No. :	1661
Title :	ASYNCHRONOUS DATA PROTOCOL		

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 CFR § 1.181

On January 2, 2008, the Petitioners requested that the Office withdraw the holding of abandonment, due to the Petitioners' failure to receive the Office Action dated February 1, 2006. The USPTO issued a decision on February 19, 2008 ("the Decision") which dismissed the Petitioners' initial request and requested additional information from the Petitioners.

The Decision dismissed the request based on two grounds. First, the Decision explained that there was insufficient proof that the Petitioners were not receiving correspondence at the address listed on the non-final Office action. The Decision asked the Petitioners to "explain when the Petitioners' address changed, and explain whether the Petitioners were receiving mail at the address listed on the non-final Office action at the time the non-final Office action was mailed." Decision, page 2. Second, the Decision concluded that "the showing of record suggests that the Petitioners failed to provide the Office with a current correspondence address. As such, the failure to receive the Office Action is the fault of petitioner and not that of the Office." Decision, page 3.

The Petitioners respectfully submit additional documents demonstrating that (1) the Petitioners had moved in 2001 and thus were not receiving mail *for at least five years* at the address listed on the non-final Office action at the time the non-final Office action was mailed and (2) the Petitioners had asked the Office to change the correspondence address, but such change was not made in the instant application.

The change of address occurred in 2001. On April 1, 2001, the Petitioners moved from 601 Thirteenth Street, NW, Washington, DC 20005 to 1425 K Street, NW, 11th Floor, Washington, DC 20005-3500. Following the move, in June 2001, the Petitioners filed a change

of address in all pending applications, but it appears that the Office has no record of this change in the present application. In any event, the Petitioners were not receiving mail at the address listed on the non-final Office action since 2001.

In addition, on February 12, 2003, the Petitioners attempted to associate the present application, among others, with Customer Number 26171, which would also have changed the correspondence address for the present application (see Attachments A and B, which are the copies of the February 12 letter and Excel spreadsheet of the applications to be associated with Customer Number 26171, respectively).

On February 23, 2003, the Office's Electronic Business Center ("EBC") sent an error report with the instructions to indicate "yes" or "no" if the application were to be associated with the Customer Number. (see Attachment C). The report specifically advised that "once the Patent Electronic Business Center processes the final corrected list, **the correspondence and maintenance fee addresses for each application found on the corrected list will be associated with the correspondence address form your customer number.**" (emphasis added).

In response, the Petitioners affirmatively indicated to the EBC that the present application was to be associated with the Customer Number and, hence, with the new correspondence address. (see "yes" section including application No. 09582287 on page 2, line 7 of Appendix D). Nevertheless, the correspondence address was never updated by the EBC for the present application, which resulted in its eventual abandonment. The Petitioners thus respectfully submit that failure to receive the Office Action was not the fault of the Petitioners.

It is therefore respectfully submitted that, in view of the foregoing and including the previously-filed petition of January 2, 2008, the provisions of MPEP § 711.03(c) and the Notice in 1156 OG 53 (November 16, 1993) have been fulfilled, that this petition should be granted, and that the Office Action should be re-mailed to the current address of the Petitioners.

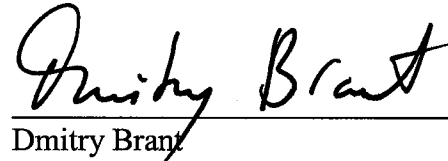
Applicant : Kenneth Carbone et al.
Serial No. : 09/582,297
Filed : June 3, 2002
Page : 3 of 3

Attorney's Docket No.: 06975-029006 / Personlization 01-DIV3

No fee is believed to be due. However, please apply any charges or credits to Deposit
Account No. 06-1050.

Respectfully submitted,

Date: 4/18/08



Dmitry Brant
Reg. No. 59,133

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

ATTACHMENT A

FISH & RICHARDSON P.C.

225 Franklin Street
Boston, Massachusetts
02110-2804

Telephone
617 542-5070

Facsimile
617 542-8906

Web Site
www.fr.com

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

February 12, 2003

Box EBC

2231 Crystal Drive
Suite 903
Arlington, VA 22202



BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

To Whom It May Concern:

Enclosed is a disk containing an Excel Spreadsheet. Please update each application to reference Customer Number 26171.

Please address correspondence related to this request to:

Anne M. Micco
Docket Administrator
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110

If you have any questions regarding these changes, please contact Anne M. Micco at (617) 521-7067.

Respectfully submitted,

Timothy A. French
Reg. No. 30,175

DocNo 20574142

ATTACHMENT B

Customer No. 26171

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500

Patent Number	Application Number	Patent Date mm/dd/yy	Filing Date mm/dd/yy	Irresponder Address yes/no	Practitioner Record yes/no	Fee Address yes/no
6282489	08069161	8/28/2001	4/28/1993	yes	no	no
6389534	08940449	5/14/2002	9/30/1997	yes	no	no
6393469	09204745	5/21/2002	12/2/1998	yes	no	no
6397330	08940429	5/28/2002	9/30/1997	yes	no	no
6424941	09710877	7/23/2002	11/14/2000	yes	no	no
6453073	09283017	9/17/2002	3/31/1999	yes	no	no
6453687	09755194	9/24/2002	1/8/2001	yes	no	no
6487956	09686974	12/3/2002	10/12/2000	yes	no	no
6492062	09633067	12/10/2002	8/4/2000	yes	no	no
6496851	09366544	12/17/2002	8/4/1999	yes	no	no
6498982	09901082	12/24/2002	7/10/2001	yes	no	no
6522779	09749628	2/18/2003	12/28/2000	yes	no	no
6522780	09772879	2/18/2003	1/31/2001	yes	no	no
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	08661728		6/11/1996	yes	no	no
	08866857		5/30/1997	yes	no	no
	08638310		4/26/1996	yes	no	no
	09873272		6/5/2001	yes	no	no
	08803692		2/24/1997	yes	no	no
	09835378		4/17/2001	yes	no	no
	09968539		10/2/2001	yes	no	no
	09968540		10/2/2001	yes	no	no
	10345146		1/16/2003	yes	no	no
	08494803		6/26/1995	yes	no	no
	08314869		9/29/1994	yes	no	no
	10218607		8/15/2002	yes	no	no
	10253888		9/25/2002	yes	no	no
	10097418		3/15/2002	yes	no	no
	09582261		10/10/2000	yes	no	no
	09582262		10/10/2000	yes	no	no
	09582297		6/23/2000	yes	no	no
	10061206		2/4/2002	yes	no	no
	10061310		2/4/2002	yes	no	no
	10198963		7/22/2002	yes	no	no
	10301678		11/22/2002	yes	no	no
	09224211		12/30/1998	yes	no	no
	09225821		1/5/1999	yes	no	no

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09568813	5/11/2000	yes	no	no
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09323415	6/1/1999	yes	no	no
09365734	8/3/1999	yes	no	no
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09495333	2/1/2000	yes	no	no
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09436703	11/9/1999	yes	no	no
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07635675	12/28/1990	yes	no	no
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09299164	4/26/1999	yes	no	no
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09432344	11/2/1999	yes	no	no
09399750	9/21/1999	yes	no	no
07951148	9/25/1992	yes	no	no
10260340	10/1/2002	yes	no	no
09501273	2/9/2000	yes	no	no
10301677	11/22/2002	yes	no	no
09499315	2/7/2000	yes	no	no
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09851121	5/9/2001	yes	no	no
09693860	10/23/2000	yes	no	no
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09755202	1/8/2001	yes	no	no
09755203	1/8/2001	yes	no	no
09783534	2/15/2001	yes	no	no

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09810421	3/19/2001	yes	no	no
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10177757	6/24/2002	yes	no	no
10188371	7/3/2002	yes	no	no
10195544	7/16/2002	yes	no	no
10322648	12/19/2002	yes	no	no
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10121581	4/15/2002	yes	no	no
60311080	8/10/2001	yes	no	no
10262063	10/2/2002	yes	no	no
10246377	9/17/2002	yes	no	no
09964454	9/28/2001	yes	no	no
10230375	8/29/2002	yes	no	no
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60318673	9/13/2001	yes	no	no
10029985	12/31/2001	yes	no	no
10244545	9/17/2002	yes	no	no
09972827	10/9/2001	yes	no	no
10112029	4/1/2002	yes	no	no
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10151812	5/22/2002	yes	no	no
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10158183	5/31/2002	yes	no	no
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10158178	5/31/2002	yes	no	no
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10053618	1/24/2002	yes	no	no
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10139630	5/7/2002	yes	no	no
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10184071	6/28/2002	yes	no	no
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10139632	5/7/2002	yes	no	no
10114318	4/3/2002	yes	no	no
60365160	3/19/2002	yes	no	no
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60365161	3/19/2002	yes	no	no
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10173307	6/18/2002	yes	no	no
60362549	3/8/2002	yes	no	no
60361278	3/4/2002	yes	no	no
10259791	9/30/2002	yes	no	no
10259792	9/30/2002	yes	no	no
60368988	4/2/2002	yes	no	no
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10116751	4/5/2002	yes	no	no
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10208203	7/31/2002	yes	no	no
10180462	6/27/2002	yes	no	no
10179018	6/26/2002	yes	no	no
10139631	5/7/2002	yes	no	no

10157025	5/30/2002	yes	no	no
60382077	5/22/2002	yes	no	no
09799610	3/7/2001	yes	no	no
09591510	6/12/2000	yes	no	no
10115289	4/4/2002	yes	no	no
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60382075	5/22/2002	yes	no	no
60427567	11/20/2002	yes	no	no
60371431	4/11/2002	yes	no	no
60373329	4/18/2002	yes	no	no
60387582	6/12/2002	yes	no	no
10123251	4/17/2002	yes	no	no
60372146	4/15/2002	yes	no	no
60416538	10/8/2002	yes	no	no
60394274	7/9/2002	yes	no	no
10127600	4/23/2002	yes	no	no
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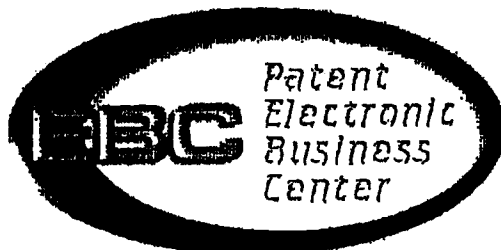
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60443562	1/30/2003	yes	no	no

ATTACHMENT C

**FAX****RECEIVED****FEB 25 2003**FISH & RICHARDSON, P.C.
BOSTON OFFICE**To:** Anne M. Micco**From:** Tony Uranga**Fax:** 617-542-8906**Date:** 2/23/03**Phone:** -**Pages:** 5 including Cover Letter**Re:** CN Upload for CN 26171**CC:**

We are in receipt of your spreadsheet to associate your applications/patents with your customer number. We have compared the correspondence addresses of the applications/patents numbers from the list with the existing correspondence addresses in the PALM database and have generated a list of mis-matched addresses (error report). Please see the attached spreadsheet.

Please review all applications and patents on the attached error report spreadsheet. Once you have verified whether or not you wish to associate all of these numbers with your customer number, please mark them as such on the attached spreadsheet (i.e., yes or no) and fax it back to me at (703) 308-2840. Please note that once the Patent Electronic Business Center processes the final corrected list, the correspondence and maintenance fee addresses for each application found on the corrected list will be associated with the correspondence address from your customer number. **Detailed review and verification of the application and patent numbers on the error report list is critical because any application or patent on the approved final corrected list that should not have been included will be disassociated from its proper correspondence address and assigned to you.**

Notice that if the correspondence address comparison performed by the PEBC turns up a large number of applications on the error report, you may be asked to provide a new spreadsheet more consistent with the results shown from the error report.

If there are NO changes to be made, you can just fax me back to let me know that it is ok to associate all files with your customer number.

If you have any questions, please feel free to contact me at 1-866-217-9197 (toll free) or 1-703-305-3028.

Sincerely,

Tony E. Uranga

ATTACHMENT D

customer # 26171 upload error report

Patent Number	Application Number	Address	Name
10181467	10181467	100 College Road West, Suite 100, Princeton, NJ 08540, US	Arthur L Plevy, Duane Morris
10151812	10151812	1450 Brooks Road, Memphis, TN 38116, US	JOEL R. PETROW, Smith & Nephew, Inc.
10187482	10187482	1450 BROOKS ROAD, MEMPHIS, TN 38116, US	JOEL R. PETROW, SMITH & NEPHEW, INC.
09996978	09996978	1450 BROOKS ROAD, MEMPHIS, TN 38116, US	JOEL R. PETROW, SMITH & NEPHEW, INC.
09780648	09780648	1450 BROOKS ROAD, MEMPHIS, TN 38116, US	JOEL R. PETROW, SMITH & NEPHEW, INC.
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10218607	10218607	225 FRANKLIN ST, BOSTON, MA 02110, US	FISH & RICHARDSON PC
10266037	10266037	225 FRANKLIN ST, BOSTON, MA 02110, US	FISH & RICHARDSON PC
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10200582	10200582	225 Franklin Street, Boston, MA 02110-2804, US	Frank R. Occhiuti, Fish & Richardson P.C.
10288329	10288329	225 Franklin Street, Boston, MA 02110-2804, US	JANIS K. FRASER, Fish & Richardson P.C.
09571970	09571970	225 FRANKLIN STREET, BOSTON, MA 02110-2804, US	JAMES W. BABINEAU, FISH & RICHARDSON P.C.
09553551	09553551	225 FRANKLIN STREET, BOSTON, MA 02110-2804, US	JAMES W. BABINEAU, FISH AND RICHARDSON P.C.
09710362	09710362	225 FRANKLIN STREET, BOSTON, MA 02110-2804, US	JAMES W. BABINEAU, FISH AND RICHARDSON P.C.
60426345	60426345	225 Franklin Street, Boston, MA 02110-2804, US	Robert C. Nabinger, Fish & Richardson P.C.
10294742	10294742	225 Franklin Street, Boston, MA 02110-2804, US	FRANK R. OCCHIUTI, Fish & Richardson P.C.

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Page 1 of 4

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NO	10134685	3300 DAIN RASCHER PLAZA, 60 SOUTH SIXTH STREET, MINNEAPOLIS, MN 55402, US	FISH & RICHARDSON P.C.
	10246377	4350 LA JOLLA VILLAGE DRIVE, SUITE 500, SAN DIEGO, CA 92122, US	FISH & RICHARDSON, PC
	10246378	4350 LA JOLLA VILLAGE DRIVE, SUITE 500, SAN DIEGO, CA 92122, US	FISH & RICHARDSON, PC
	10213365	4350 LA JOLLA VILLAGE DRIVE, SUITE 500, SAN DIEGO, CA 92122, US	FISH & RICHARDSON, PC
	60385910	500 ARGUELLO STREET, SUITE 500, REDWOOD CITY, CA 94063, US	FISH & RICHARDSON P.C.
YES	08940449	601 Thirteenth Street N W, Washington, DC 20005, US	JOHN F HAYDEN, FISH & RICHARDSON P C
	09582297	601 Thirteenth Street N W, Washington, DC 20005, US	Fish & Richardson
	09583176	601 Thirteenth Street N W, Washington, DC 20005, US	John F Hayden, Fish & Richardson P C
	08069161	601 THIRTEENTH STREET N.W., WASHINGTON, DC 20005, US	FISH & RICHARDSON P.C.
	09710877	601 THIRTEENTH STREET NW, WASHINGTON, DC 20005, US	W KARL RENNER, FISH & RICHARDSON PC
	09501273	601 Thirteenth Street NW, Washington, DC 20005, US	John F Hayden, Fish & Richardson PC
	09621612	601 Thirteenth Street NW, Washington, DC 20005, US	John F Hayden, Fish & Richardson PC
	09927445	601 Thirteenth Street, N.W, Washington, DC 20005, US	JOHN F. HAYDEN, Fish & Richardson P.C.
	09204745	601 THIRTEENTH STREET, N.W., WASHINGTON, DC 20005, US	FISH & RICHARDSON P.C.
	08940429	601 Thirteenth Street, NW, Washington, DC 20005, US	Fish & Richardson P.C.
	09755194	601 Thirteenth Street, NW, Washington, DC 20005, US	ANDREW F. BODENDORF, Fish & Richardson P.C.
	09760381	601 Thirteenth Street, NW, Washington, DC 20005, US	JOHN F. HAYDEN, Fish & Richardson P.C.
	60263185	601 Thirteenth Street, NW, Washington, DC 20005, US	Fish & Richardson P.C.
	60286964	601 Thirteenth Street, NW, Washington, DC 20005, US	Fish & Richardson P.C.
	60301453	601 Thirteenth Street, NW, Washington, DC 20005, US	Fish & Richardson P.C.
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	60286963	601 Thirteenth Street, NW, Washington, DC 20005, US	Fish & Richardson P.C.
	60330590	601 Thirteenth Street, NW, Washington, DC 20005, US	Fish & Richardson P.C.
	60288431	601 Thirteenth Street, NW, Washington, DC 20005, US	Fish & Richardson P.C.
	60294598	601 Thirteenth Street, NW, Washington, DC 20005, US	Fish & Richardson P.C.
	60299454	601 Thirteenth Street, NW, Washington, DC 20005, US	Fish & Richardson P.C.
	60311080	601 Thirteenth Street, NW, Washington, DC 20005, US	Fish & Richardson P.C.
	60300616	601 Thirteenth Street, NW, Washington, DC 20005, US	Fish & Richardson P.C.
YES	09283017	601 Thirteenth Street, NW, Washington, DC 20005, US	John F. Hayden, Fish & Richardson P.C.
NO	09287025	873 Hacienda Way, Milbrae, CA 94030, US	John Steinberg
YES	60411752	919 N. MARKET STREET, SUITE 110, WILMINGTON, DE 19801, US	FISH & RICHARDSON P.C.
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One Tabor Center, 1200 17th Street Suite 1500, Denver, CO 80202,

US

NO 60194429

NO 09640551

NO 09684837

NO 10074594

NO 10315059

NO 10305103

William J Kubida, Hogan & Hartson LLP

PILLSBURY WINTHROP, LLP

KEVIN E. JOYCE

Robin A. Sannes, IPLM Group, P.A.

HANS R. TROESCH, Fish & Richardson P.C.

REGINALD J. SUYAT, Fish & Richardson P.C.

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07638328 WASHINGTON AND PRINCE STREETS, GEORGE MASON
BUILDING, P. O. BOX 1404, ALEXANDRIA, VA 223131404, US

ALAN E. KOPECKI, BURNS, DOANE, SWECKER & MATHIS

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Page 4 of 4